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those of the older civilization, and thus the principal rules of the common law relating to water rights are outlined and commented on at considerable length in the early part of the book, only to be restated and elaborated in the part of the work particularly appropriated to them. Indeed, it may be said, that overelaboration and repetition are the principal faults of the book. It is believed that it could by suitable condensation and rearrangement of its material, without impairing its value, be reduced one-fourth in volume.

The further criticism may be ventured that in his identification of the English and American law of riparian rights the author goes too far in placing the former as well as the latter on the basis of reasonable user. It is submitted that, with the doubtful exception of the doctrine of "natural user" (Secs. 268, 295), the English authorities lend no support to the view that a material interference with a water-course, resulting in actual damage to a riparian proprietor, can be justified by the plea that defendant's use was reasonable and proper; nor does the state of the authorities in this country support the author's sweeping statement that such is the general American rule. The discussion of the law of underground waters (Secs. 352-382) leaves little to be desired. Its analysis of the English cases is sound and its exposition of the modern American doctrine of reasonable use of percolating waters, founded on *Forbell v. City of New York* (1900), 164 N. Y. 522, and *Katz v. Walkinshaw* (1903) 141 Cal. 116, is, notwithstanding a certain diffuseness of treatment, thorough and commendable. That the two great lights in the author's firmament are two California cases—*Lux v. Haggin* (1886) 69 Cal. 255, and *Katz v. Walkinshaw*, *supra*—does not render the book less valuable to those for whom it is intended.

PROBATE REPORTS ANNOTATED. Edited by WILLIAM LAWRENCE CLARK. New York: Baker, Voorhis & Co. 1908. Vol. XII. pp. xxiv, 807.

The plan of this series, as stated by the publishers, is to give, in about one volume a year, recent important decisions of the highest courts of the different states, and of the Federal courts, upon matters of which probate and surrogate's courts have jurisdiction, or involving questions of probate law and practice; each volume to contain approximately one hundred cases given in full, together with exhaustive notes upon the questions decided in a number of the most representative of these cases; and, in addition, memoranda, in digest form, of such important recent decisions as are not presented in full.

Considering the recent improvement in digesting cases, and the fact that the best digests, by the issue of annual volumes, present a full summary of the decisions within a very short period after they are made; and the further fact that unofficial publications, such as those issued by the West Publishing Company, enable practicing lawyers to become acquainted with decisions of the courts within a few days after their rendition, the first impression would be that there is at present, little necessity for any series of reports of the general character of the one under review. It is probable that for lawyers practicing in large cities and having access to the well-equipped libraries to be found therein, the usefulness of such a series, even as a time-saving device, is questionable.

The great majority of lawyers, however, are not in a situation to take advantage of these large libraries, and it is evident that to this majority, such a series, if properly edited, is of great value, not merely as a means of economizing time, but also as affording opportunity to study carefully the full text of decisions, instead of a mere digest thereof.

Of course the value of any such series depends on the soundness of judgment of the editor in selecting the cases, and the ability and thoroughness manifested in the preparation of the notes, and a careful examination of Volume XII of the Probate Reports indicates that Mr. Clark is well qualified for this work, and that he has performed the same with care and fidelity. Most of the cases are important and well chosen and the notes appended are exhaustive and accurate. Special mention should be made of the following notes: "Joint and Mutual Wills" (page 63), "When Legacies are Charged on Land" (page 101), "Revocation or Setting Aside of Probate of Will" (page 218), and "Wills; Construction; Substituting 'And' for 'Or' and Vice Versa" (page 540). in connection with the case of *Travis et al. v. Reinhardt* (1906) 205 U. S. 423. The value of the notes is enhanced by cross-references to notes in preceding volumes of this series.

In addition to the cases reported in full, the volume contains about forty pages of "Memoranda of Other Recent Decisions," and the Index of Notes and General Index makes the contents readily available.

If we were inclined to be critical it could be suggested that there might be a somewhat more systematic arrangement of the cases; that some of the statements in the notes are not as carefully worded as they should be, and are, therefore, a trifling misleading; that the General Index might be improved; and that a fine opportunity for an exhaustive note on the doctrine of "Incorporation by Reference" was afforded and neglected in connection with the case of *Hathaway et al. v. Smith* (1907) 79 Conn. 506 (p. 339). But these defects and others that might be pointed out are really unimportant as compared with the general merits of the volume.

MARTIN'S MINING LAW AND LAND OFFICE PROCEDURE WITH STATUTES AND FORMS. By THEODORE MARTIN. San Francisco: Bender-Moss Company. 1908. pp. lxiv, 980.

In his preface to the work the author says: "No effort has been made to make the work a treatise, but rather to state the law and tell where it can be found." An examination of the work shows that the author held to his plan of treatment of the subject. In the absence of Mr. Lindley's scientific work, and Morrison's practical handbooks, revised and kept up to date almost yearly, we could well hail with delight a treatise such as this and consider it a godsend to the busy practitioner. It is well edited, and of convenient size, besides being planned, both from the point of view of general arrangement and index, to meet the needs of the busy man.

But to merely "state the law" or even attempt to do so, without indicating the various side issues that may be involved in the general rules as laid down, renders the work somewhat unsatisfactory. Though the fundamental principles of mining law are pretty well established, there